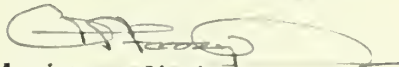


CA20N
XD 117
1986
A2
C.2

Sessional Paper No. 70.
3rd Session 33rd Parliament
Tabled MAY 20 1987

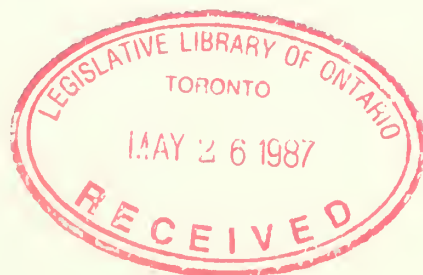

Assistant Clerk

FIRST REPORT OF THE

SELECT COMMITTEE

ON

RETAIL STORE HOURS



SELECT COMMITTEE ON
RETAIL STORE HOURS



LEGISLATIVE ASSEMBLY
ASSEMBLÉE LÉGISLATIVE

TORONTO, ONTARIO
M7A 1A2

COMITÉ SPÉCIAL SUR LES
HEURES D'OUVERTURE DES
COMMERCE DE DÉTAIL

The Honourable Hugh Edighoffer, M.P.P.
Speaker of the Legislative Assembly.

Sir,

Your Select Committee on Retail Store Hours has the
honour to present its Report and commends it to the
House.

A handwritten signature in black ink, appearing to read "Terry O'Connor".

Terry O'Connor, M.P.P.
Chairman

Queen's Park
May 1987

SELECT COMMITTEE ON RETAIL STORE HOURS

TERRY O'CONNOR, M.P.P.
Chairman of the Committee

LUC GUINDON, M.P.P.
Vice-Chairman of the Committee


BILL BARLOW
LEO BERNIER
ED PHILIP
CLAUDIO POLSINELLI
DAVID REVILLE

EDWARD SARGENT
YURI SHYMKO
DAVID W. SMITH
JOAN E. SMITH

LYNN MELLOR
Clerk of the Committee

DOUGLAS ARNOTT
Clerk pro tem. of the Committee

JERRY RICHMOND
Research Officer



Digitized by the Internet Archive
in 2012 with funding from
University of Guelph, University of Windsor, York University and University of Toronto Libraries

**FIRST REPORT
OF THE
SELECT COMMITTEE ON RETAIL STORE HOURS**

On January 23, 1987 the House appointed the Select Committee on Retail Store Hours "to review and report its recommendations pertaining to Sunday Shopping and Retail Store Hours".

The Committee's Terms of Reference deal with the broad matter of Sunday shopping and retail store hours and the Committee has conducted its review of this subject matter on this basis. Your Committee was not instructed to deal with any legal proceedings which have been commenced against any person.

On April 23, 1987, during the Committee's public hearing, Paul Magder appeared as a witness to present his views on the general subject of Sunday shopping.

On May 13, 1987, the Chairman of the Committee, Terry O'Connor, received a hand-delivered letter of the same date from Timothy S. B. Danson of the law firm of Lobl, Recht, Freedman & Danson. Mr. Danson represents Magder/Hy & Zelin.

The Chairman brought the letter to the attention of the House by rising on a question of privilege in the House on May 13, 1987. At that time, he expressed his concerns

about the letter as follows:

If I may read one paragraph to the House, the letter said in part: "I can only say this. Your report must not be released until the decision in our case is released (likely June). Any attempt to indirectly influence the judicial decision will be dealt with accordingly."

I ask that you investigate whether that statement, and other statements in the letter, might possibly constitute a breach of my privileges, the privileges of the members of the Select Committee on Retail Store Hours and, indeed, the privileges of all the members of this House."

The Speaker reserved his ruling on the matter.

On May 14, 1987, the Speaker ruled as follows:

"Yesterday the member for Oakville (Mr. O'Connor) raised a question of privilege regarding a letter he received in his capacity as Chairman of the Select Committee on Retail Store Hours. At his request, I undertook to examine the matter to determine whether there appeared to be a prima facie question of privilege in relation to the letter which the honourable member was kind enough to forward to me.

There is a long-standing tradition of Parliament

that matters which arise in a committee, or which in some way pertain to the activities of a committee, should first be dealt with by the committee in question. If, upon reflection, the committee feels that its privilege has been attacked in some way, it would be its duty to report that fact to the House, which could then take a decision. That is why, upon reflection, it would seem to me wiser for the Committee to deal with this matter directly. It is presently still legally constituted and has at hand all powers necessary to deal with the matter.

If, after due process, the Committee feels that it must report the matter to the House, I am certain the House and its members will give the Committee's report its full attention. I thank the member for Oakville for bringing this matter to my attention and I would urge him to bring this matter to the attention of the Committee, of which he is Chairman, as quickly as possible."

Upon review of the matter, your Committee views with alarm the veiled threats in the letter of May 13, 1987, to the Chairman of the Select Committee on Retail Store Hours by Timothy S. B. Danson and views this type of conduct with deep regret.

MAY 13 1987

LOBL, RECHT, FREEDMAN & DANSON

BARRISTERS & SOLICITORS

TIMOTHY S. S. DANSON
ARNOLD RECHT
MARK R. FREED
W. FRED MCAGUE

ALLAN M. FREEDMAN
RUDOLPH LOBL, O.C.
SHARON M. SILBERSTEIN

TELEPHONE: (416) 593-5530
TELECOPIER: (416) 593-5761

SUITE 202
250 DUNDAS STREET WEST
TORONTO, ONTARIO
M5T 2Z5

DELIVERED

May 13, 1987.

Mr. Terry O'Connor,
Queen's Park Office,
Legislative Building,
Queen's Park,
Toronto, Ontario,
M7A 1A2

EXHIBIT No. 3/01/519

FILED ON MAY 27 1987

Dear Terry,

Re: The Retail Business Holidays Act

Thank you for your letter of May 1, received by my office May 6, 1987.

It is difficult for the Select Committee on Retail Store Hours to "ensure that [my] views are taken into consideration by the committee" when it hasn't heard them. As I indicated to you in my last letter I have not been able to make a presentation because the Magder/Hy & Zel's matter is before the courts. I could not disclose my case to the committee prior to presenting it in court. This would have been improper.

While there are many people who are knowledgeable on the subject there probably are not too many, if any, more knowledgeable than I am. In other words, what I have to say is relevant and should be heard.

My proposal was to file the transcripts of the evidence from the trial as well as make an oral presentation. I now read in the paper (Toronto Sun - Wednesday, May 13, 1987) that you've reached a decision which is being transcribed and ready for release in three weeks.

I can only say this. Your report must not be released until the decision in our case is released (likely June). Any attempt to indirectly influence a judicial decision will be dealt with accordingly.

Mr. Terry O'Connor

May 13, 1987.

I am sure you can appreciate my point. Simply put, I am sick and tired of shadow boxing and fighting ghosts. If the Crown wants to call evidence - that's fine - but it must be subjected to vigorous cross-examination.

Yours very truly,

LOBL, RECHT, FREEDMAN & DANSON

Per:



Timothy S.B. Danson

/meb

cc The Honourable Robert Nixon

~~1988~~
~~DEC 15 1987~~
AUG

~~JAN 8 1988~~

~~JAN 11 1989~~

~~NOV 27 1990~~

~~JUN 10 1991~~

NOV 6 1995

